

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL MONTIGUE LEWIS,

Petitioner,

No. CIV S-03-1410 GEB EFB P

vs.

DAVID L. RUNNELS,

Respondent.

ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He has requested that the court appoint counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). The court may appointment counsel at any stage of the proceedings “if the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing Section 2254 Cases. Respondent has answered the petition and the matter is submitted for decision. Therefore, the court does not find that the interests of justice would be served by the appointment of counsel at this stage of the proceedings.

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1           Accordingly, it hereby is ORDERED that petitioner's September 22, 2006, request for  
2 appointment of counsel is denied.

3 Dated: September 29, 2006

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6 EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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